

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

Jammadriteal Dunn

v.

Civil No. 08-cv-178-PB

**Northern NH Correctional
Facility, Warden**

O R D E R

Petitioner has not objected to the motion for summary judgment. Accepting as true the factual averments on which the motion is based, I determine that the defendant is entitled to summary judgment. The jury instruction claim is procedurally barred for the reasons cited in defendant's memorandum. The double jeopardy claim is without merit, again for the reasons cited in defendant's memorandum.

The motion for summary judgment (doc. no. 16) is granted.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

February 5, 2009

cc: Jammadriteal Dunn, pro se
Stephen D. Fuller, Esq.